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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,130	01/12/2005	Jean-Benoit Pina	P08686USD0	6802
22885 7590 05/13/2010 MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721				
EXAMINER HICKS, CHARLES N				
ART UNIT 2424		PAPER NUMBER		
NOTIFICATION DATE 05/13/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patatty@ipmvs.com

# Office Action Summary

**Application No.**

10/521,130

**Applicant(s)**

PINA, JEAN-BENOIT

**Examiner**

CHARLES N. HICKS

**Art Unit**

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/22/2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma (US 2005/0278737 A1), hereinafter referred to as Ma, in view of Markman (US

2003/0122966), hereinafter referred to as Markman, in view of Plotnick (US 2003/0149978 A1), hereinafter referred to as Plotnick.

5. Regarding claim 1, Ma discloses in a transmission system, a receiver for receiving programs from the transmission system, the receiver comprising electronic program guide means for browsing through an electronic program guide containing information on a plurality of program channels (**fig. 1-5, pg. 2, paragraphs 15-18**).

However Ma fails to disclose said electronic program guide means comprising a server module and at least two client modules. Markman discloses said electronic program guide means comprising a server module and at least two client modules, each assigned to a respective remote device, in order that upon request of one or more of the remote devices, the server module manages the navigation of the assigned client module within the electronic program guide information (**fig. 3-6, pg. 3, paragraphs 43-45**). Motivation to combine the references is due to the fact that both deal with user selection or request of displayable information.

Ma and Markman fail to disclose wherein the client module causes the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices. Plotnick discloses wherein the client modules cause the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices (**fig. 1-2, pg. 2-3, paragraphs 25-26** *wherein the EPG retrieved and presented formatted for presentation to the requesting*

*user*). Motivation to combine the references is due to the fact that the references display programming in multiple formats on a plurality of devices. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

6. Regarding claim 2, Ma discloses a remote device comprising input and output means for accessing an electronic program guide containing information on a plurality of program channels transmitted from a transmission system via a receiver, the receiver having electronic program guide means for browsing through said electronic program guide (**fig. 1, pg. 1, paragraphs 10-11**).

However Ma fails to disclose said electronic program guide means comprising a server module and at least two client modules. Markman discloses said electronic program guide means comprising a server module and at least two client modules, one assigned to said remote device and one assigned to another remote device, in order that upon request of one or more of the remote devices, the server module manages the navigation of the assigned client module within the electronic program guide information (**fig. 3-6, pg. 3, paragraphs 43-45**).

Ma and Markman fail to disclose wherein the client module causes the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices. Cooper discloses wherein the client modules cause the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a

corresponding plurality of different remote devices (**fig. 1-2, pg. 2-3, paragraphs 25-26** *wherein the EPG retrieved and presented formatted for presentation to the requesting user*). Motivation to combine the references is due to the fact that the references display programming in multiple formats on a plurality of devices. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

7. Regarding claim 3, Ma discloses a remote device wherein said output means include display means for viewing the electronic program guide on said display means (**fig. 1-2, pg. 2, paragraph 13**).

8. Regarding claim 4, Ma discloses a home entertainment system comprising a receiver for receiving programs from a transmission system, the receiver comprising electronic program guide means for browsing through an electronic program guide containing information on a plurality of program channels, and a plurality of remote devices comprising input and output means for accessing said electronic program guide (**fig. 1-5, pg. 2, paragraphs 15-18**),

However Ma fails to disclose said electronic program guide means comprising a server module and a plurality of client modules assigned to the remote devices. Markman discloses said electronic program guide means comprising a server module and a plurality of client modules assigned to the remote devices, in order that upon request of one or more of any remote device, the server module manages the

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navigation of the assigned client module within the electronic program guide information (**fig. 3-6, pg. 3, paragraphs 43-45**).

Ma and Markman fail to disclose wherein the client module causes the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices. Plotnick discloses wherein the client modules causes the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices (**fig. 1-2, pg. 2-3, paragraphs 25-26 wherein the EPG retrieved and presented formatted for presentation to the requesting user**). Motivation to combine the references is due to the fact that the references display programming in multiple formats on a plurality of devices. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2424

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 5 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Markman, in view of Plotnick.

12. Regarding claim 5, Markman discloses in a transmission system, a method of remotely browsing through an electronic program guide containing information on a plurality of program channels transmitted from a transmission system via a receiver connected to at least two remote devices, the receiver having electronic program guide means for browsing through said electronic program guide (**fig. 1-6, pg. 3, paragraphs 41-42**),

said electronic program guide means comprising a server module and at least two client modules, one assigned to said remote device and one assigned to another remote device, the method comprising the step of managing the navigation of the assigned client module within the electronic program guide information upon request of one or more of the remote devices (**fig. 3-6, pg. 3, paragraphs 43-45**).

Markman fails to disclose wherein the client module causes the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices. Plotnick discloses wherein the client modules cause the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding



plurality of different remote devices (**fig. 1-2, pg. 2-3, paragraphs 25-26** *wherein the EPG retrieved and presented formatted for presentation to the requesting user*).

Motivation to combine the references is due to the fact that the references display programming in multiple formats on a plurality of devices. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

13. Regarding claim 8, Markman discloses a program storage device readable by a receiver component of a transmission system, the program storage device tangibly embodying a computer readable memory and a program of instructions executable by the receiver to allow for remotely browsing through an electronic program guide containing information on a plurality of program channels transmitted from the transmission system via the receiver, the receiver connected to at least two remote devices, said storage device being adapted to accomplish said remote browsing by: providing a server module for interacting with at least two client modules, each client module assigned to a respective remote device (**fig. 1-6, pg. 3, paragraphs 41-42**);

and managing the navigation of the assigned client module within the electronic program guide information upon request of one or more of the remote devices (**fig. 3-6, pg. 3, paragraphs 43-45**).

Markman fails to disclose wherein the client module causes the transformation of the electronic program guide information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices. Plotnick discloses wherein the client modules cause the transformation of the electronic program guide

information into a plurality of different dedicated formats for display on a corresponding plurality of different remote devices (**fig. 1-2, pg. 2-3, paragraphs 25-26** *wherein the EPG retrieved and presented formatted for presentation to the requesting user*).

Motivation to combine the references is due to the fact that the references display programming in multiple formats on a plurality of devices. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shteyn (US 2003/0106062 A1) discloses a home network environment as a state machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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